

AMENDED IN SENATE APRIL 2, 2003

SENATE BILL

No. 419

Introduced by Senator Scott

February 20, 2003

An act to add Section 720 to the Public Utilities Code, relating to telecommunications.

LEGISLATIVE COUNSEL'S DIGEST

SB 419, as amended, Scott. Telecommunications.

Under existing federal law, the Federal Communications Commission licenses and regulates providers of commercial mobile radio service. Under existing federal law, no state or local government may regulate the entry of or the rates charged by any commercial mobile radio service, but is generally not prohibited from regulating the other terms and conditions of commercial mobile radio service. Existing federal law administered by the Federal Communications Commission authorizes public safety agencies or entities to operate radio communication systems on specified frequencies of the radio spectrum and directs states to oversee interoperability of public safety spectrum.

Existing law empowers the Public Utilities Commission to regulate public utilities including telephone corporations. Existing law requires telephone corporations that are commercial mobile radio services providers to provide customer services.

Existing law provides that the Public Safety Radio Strategic Planning Committee has the primary responsibility in state government for developing and implementing a statewide integrated public safety communication system for state government agencies that facilitates interoperability and other shared uses of public safety spectrum with local and federal agencies.

Existing law requires the Department of Justice to maintain a statewide telecommunications system, known as the California Law Enforcement Telecommunications System, for use by law enforcement agencies, and requires the Attorney General to appoint an advisory committee to assist with management of the system.

This bill would require the commission, in consultation with the advisory committee on the California Law Enforcement Telecommunications System and the Public Safety Radio Strategic Planning Committee, through rules or other appropriate procedure, to provide for the conversion from existing Cellular Digital Packet Data telecommunications systems used by public safety departments, in a manner that does not jeopardize the public safety or the safety of employees of public safety departments. Because a violation of the Public Utilities Act or an order of the commission is a crime under existing law, the bill would impose a state-mandated local program by creating a new crime.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) Cellular Digital Packet Data (CDPD) is a wireless
4 telecommunications technology that most law enforcement
5 agencies have been utilizing to communicate from the mobile
6 patrol field unit to the law enforcement agency databases.

7 (b) CDPD allows access to vital information including
8 Department of Motor Vehicle files, California Law Enforcement
9 Telecommunications System information, individual department
10 databases, and the Internet.

11 (c) Over the past several years, law enforcement agencies have
12 made increased use of CDPD to enhance officer safety and to



1 increase efficiency, and law enforcement agencies have invested
2 heavily in infrastructure to support the system.

3 ~~(d) American Telephone and Telegraph (AT&T) is the sole~~
4 *(d) ATT Wireless (ATTW) is the largest provider of CDPD for*
5 *public safety departments in California.*

6 ~~(e) AT&T has announced that it will be phasing out CDPD for~~
7 *(e) ATTW has announced that it is replacing CDPD with a*
8 *newer wireless telecommunications technology, known as Global*
9 *Mobile System/General Packet Radio Service (GMS/GPRS).*

10 ~~(f) AT&T ATTW has announced that it will be accepting no new~~
11 ~~CDPD accounts after April 1, 2003, and that it will be phasing out~~
12 ~~CDPD on July 1, 2004, for the newer GMS/GPRS technology.~~

13 ~~(g) The phase out of CDPD technology will negate years of~~
14 *CDPD accounts after December 31, 2002, and that it will be*
15 *terminating CDPD service on July 1, 2004.*

16 *(g) The termination of CDPD service will negate years of*
17 *investment in CDPD infrastructure by public safety departments*
18 *and will necessitate purchases of new equipment at a time when*
19 *public safety departments are under critical financial constraints.*

20 ~~(h) With the phase out of the existing termination of the CDPD~~
21 ~~technology in favor of the new GMS/GPRS technology, AT&T~~
22 *ATTW also intends to shift all accounts from a government flat rate*
23 *to a usage-based usage-based rate, which will could substantially*
24 *increase operating costs.*

25 *(i) Because of the short notice provided public safety*
26 *departments by —AT&T ATTW, those agencies will have*
27 *insufficient time to research the new technology for equipment,*
28 *determine whether the GMS/GPRS actually meets public safety*
29 *needs and functions in the manner promoted by ATTW, including,*
30 *but not limited to, sufficient radio coverage, find sources of funds*
31 *to purchase the necessary infrastructure, and to make budget*
32 *adjustments.*

33 *(j) The new GMS/GPRS network technology must be approved*
34 *by the California Law Enforcement Telecommunications System*
35 *advisory committee.*

36 *(k) The new GMS/GPRS technology only provides 68 64 bit*
37 *encryption, but the California Department of Justice requires 128*
38 *bit encryption and additional software will be needed before the*
39 *new technology satisfies the department's security standards.*

1 (l) The ability to have immediate exchange of mission critical
2 information has become a public safety necessity, particularly in
3 an era of heightened homeland security readiness.

4 (m) Although conversion to the newer GMS/GPRS ~~is~~ *may be*
5 in the public interest because it will provide greater speed and
6 information capacity, public safety agencies have insufficient time
7 to convert to the GMS/GPRS technology *or to seek alternatives to*
8 *the ATTW offering*, possibly jeopardizing public safety and officer
9 safety.

10 (n) It is anticipated that public safety departments will need
11 until at least July 1, 2007 to convert to the new GMS/GPRS
12 technology.

13 SEC. 2. Section 720 is added to the Public Utilities Code, to
14 read:

15 720. The commission, by rule or other appropriate procedure,
16 and in consultation with the advisory committee on the California
17 Law Enforcement Telecommunications System and the Public
18 Safety Radio Strategic Planning Committee, shall provide for the
19 conversion from existing Cellular Digital Packet Data
20 telecommunications systems used by public safety departments, in
21 a manner that does not jeopardize the public safety or the safety of
22 employees of public safety departments.

23 SEC. 3. No reimbursement is required by this act pursuant to
24 Section 6 of Article XIII B of the California Constitution because
25 the only costs that may be incurred by a local agency or school
26 district will be incurred because this act creates a new crime or
27 infraction, eliminates a crime or infraction, or changes the penalty
28 for a crime or infraction, within the meaning of Section 17556 of
29 the Government Code, or changes the definition of a crime within
30 the meaning of Section 6 of Article XIII B of the California
31 Constitution.